

Express Mail No.: EV335856905US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Angelucci *et al.*

Application No: 09/942,137

Group Art Unit: 3732

Filed: August 29, 2001

Examiner: Eduardo C. Robert

For: LAMINOPLASTY IMPLANTS
AND METHODS OF USE

Atty Docket No.: 8932-538-999

*T.A.
9/9/03
E.C.Robert*

RESPONSE TO RESTRICTION REQUIREMENT

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir or Madam:

In response to the Office Action mailed August 6, 2003, Applicants provisionally elect the invention of Group I - claims 1-43 - drawn to an implant - for prosecution in this application. Applicants reserves the right to file divisional applications to protect the inventions of Groups II, III and IV. Applicants provisionally elect Species I, as depicted in Figures 1A-C, for prosecution at this time, with the understanding that the claims shall be restricted to this species only if no claim that is generic to Species II -VIII is finally held to be allowable. Applicants believe that pending claims 1-34 are readable on the elected Species.

Applicants traverse the species restriction to the extent that Applicants' provisionally elected Species I (Figs. 1A-C) is directed to an implant for use in the spinal column, while Species II (Figs. 4A-B) and Species V (Figs. 10A-C) are also directed to an implant for use in the spinal column. Thus, because Applicants believe that the classifications of the invention in Figs. 1A-C, 4A-B, 10A-C are the same (as indicated in the Examiner's identification of a single classification for the invention of Group I, covering claims 1-43), and the field of

search will be the same, Applicants believe that dividing among these figures is improper. See MPEP 808.02. As such, Applicants believe that Species I (Figs. 1A-C), Species II (Figs. 4A-B) and Species V (Figs. 10A-C) should all be prosecuted in the present application.

In the event that the examiner withdraws the species restriction as to Species I, Species II and Species V, then, Applicants believe that pending claims 1-43 are readable on Species I, II and V and should be prosecuted in the present application.

No fee is believed due for this submission. Should any fees be required, however, please charge such fees to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

Date: September 8, 2003



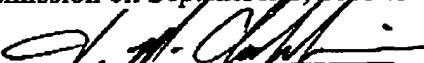
Brian M. Rothery

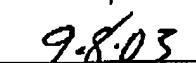
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached "Response to Restriction Requirement" for Non-provisional application Ser. No. 09/942,137 entitled "Laminoplasty Implants and Methods of Use" is being filed with the United States Patent and Trademark Office by facsimile transmission on September 8, 2003 to facsimile telephone number 703-872-9306.


Jeffrey M. Chamberlain


Date

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